



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL REVISION PETITION NO.1799 OF 2025
(397(Cr.PC)/438(BNSS))

BETWEEN:

SRI K.N.JAYASIMHA
S/O.LATE KSN IYENGAR
AGED ABOUT 60 YEARS
R/AT NO.2130, 2ND CROSS
SRI RAMA LAYOUT
KENGARI UPANAGARA
BENGALURU-560 060

...PETITIONER

(BY SRI K.A.CHANDRASHEKARA, ADVOCATE)

AND:

SRI M.GANESH MURTHY
S/O.LATE MUNISWAMAPPA
AGED ABOUT 62 YEARS
R/AT NO.5 2ND FLOOR
GRAMADEVATHA STREET
LALBAGH, UPPARAHALLI
BENGALURU-560 004

...RESPONDENT

(BY SRI SURESHA, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 READ WITH SECTION 401 CR.PC. (FILED UNDER SECTION 438 READ WITH SECTION 442 BNSS) PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 05.03.2025 PASSED BY XIV ADDITIONAL CHIEF JUDICIAL MAGISTRATE, MAYO HALL UNIT, BENGALURU IN CC.NO.51192/2022 AND CONFIRMED BY LXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN CRL.A.NO.25107/2025 DATED 18.11.2025 AND ACQUIT THE PETITIONER-ACCUSED FOR THE





OFFENCE PUNISHABLE UNDER SECTION 138 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1881.

THIS PETITION COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

The accused is before this Court in this Criminal Revision
Petition filed under Section 397 read with Section 401 Cr.PC.
with a prayer to set aside judgment and order of conviction and
sentence dated 05.03.2025 passed in CC.No.51192/2022 by
the Court of XIV Additional Chief Judicial Magistrate, Bengaluru
and the judgment and order dated 18.11.2025 passed in
Crl.A.No.25107/2025 by the Court of LXXII Additional City Civil
and Sessions Judge, Bengaluru.

2. Learned counsels for parties jointly submits that
dispute between the parties has been amicably settled during
pendency of this petition and the parties have today filed an
application in IA.No.1/2026 under Section 147 of Negotiable
Investments Act, 1881 (for short, 'the N.I.Act') with prayer to
permit the parties to compound the offence, for which the
petitioner has been convicted and sentenced by the Courts



below. They submit that the settlement arrived between the parties is voluntary without there being any force or coercion. The parties, who are present before the Court, are identified by their respective learned Advocates.

3. The application in IA.No.1/2026 filed by the parties today under Section 147 of the N.I. Act is taken on record. In paras-2 to 7 of the application, which is also supported by the joint affidavit of the parties, it is stated as follows:

"xxx

2) It is submitted that, during the pendency of the above Petition, at the intervention of elders, well-wishers & friends the parties have negotiated to settle the above dispute amicably between the parties to the petition. Accordingly, the Petitioner/Accused has agreed to pay Rs.22,40,000/- (Rupees Twenty-two Lakhs Forty Thousand only) in favour of the Respondent/Complainant towards the full & final settlement of all the claims.

3) It is submitted that, the Petitioner herein in compliance of the order passed by the Hon'ble District & Sessions Judge (CCH-73), while suspending the sentence, has deposited a sum of Rs.2,40,000/-(Rupees Two Lakhs Forty Thousand only) before the Hon'ble XIV ACMM Court, Bangalore,



on 12/05/2025 & the Petitioner herein has no objections to withdraw the said amount by the Respondent.

4) It is submitted that, during the settlement negotiations, the Petitioner herein has made the payment of sum of Rs.2,00,000/-(Rupees Two Lakhs only) by way of D.D bearing No.004748, drawn on HDFC Bank, dated. 02/01/2026 & on the same day another sum of Rs.1,00,000/-has been paid by way of cash to the Respondent. It is submitted that, further sum of Rs.4,00,000/-(Rupees Four Lakhs only) by way of D.D bearing No.393967, dated.16/02/2026, drawn on State Bank of India, Bangalore, in the name of the Respondent, is payable today before this Hon'ble Court & is acknowledging the receipt of the same.

5) The Petitioner has agreed to pay the balance amount of Rs.13,00,000/-(Rupees Thirteen Lakhs only) before the XIV ACMM Judge, Mayohall, Bangalore, in CC No.51192/2022, in the following manner:-

- i) Rs.4,00,000/-(Rupees Four Lakhs only) on or before 20/03/2026,*
- ii) Rs.4,00,000/-(Rupees Four Lakhs only)on or before 20/04/2026 &*
- iii) Rs.5,00,000/-(Rupees Five Lakhs only) on or before 20/05/2026.*



6) It is agreed between the parties that, in the event of default in paying the any of the installments to the Respondent, the same carries the 5% of the penal amount. Further, it is agreed by the Petitioner that, in spite of penalty amount, the Petitioner fails to oblige & obey the terms & conditions of the settlement reported before this Hon'ble Court, then the order of conviction is Revert back irrespective of this & the settlement report Respondent/ Complainant is at liberty to execute the NBW & FLW in accordance with law & to recover the entire compensation amount as per the order of conviction dated. 05/03/2025 passed in CC No.51192/2022, by the Learned XIV ACMM Judge, Mayohall, Bangalore.

7) The Petitioner & the Respondent herein have entered in to the terms of this settlement on their free will & volition without there being any kind of mistake, misrepresentation, force or coercion from anybody.

xxx"

4. Considering the aforesaid, I am of the opinion that the parties are required to be permitted to compound the offence, for which, the petitioner has been convicted and sentenced by the Courts below and the impugned judgment and order of



conviction and sentence passed against him needs to be set aside. Accordingly, the following:

ORDER

- i) The application in IA.No.1/2026 filed by the parties under Section 147 of the N.I.Act is ***allowed.*** The parties are permitted to compound the offence punishable under Section 138 of the N.I.Act, for which, the petitioner has been convicted and sentenced by the Court below.
- ii) Consequently, this Criminal Revision Petition is ***allowed;***
- iii) The impugned judgment and order of conviction and sentence dated 05.03.2025 passed in CC.No.51192/2022 by the Court of XIV Additional Chief Judicial Magistrate, Bengaluru and the judgment and order dated 18.11.2025 passed in Crl.A.No.25107/2025 by the Court of LXXII Additional City Civil and Sessions Judge, Bengaluru, are set aside;



- iv) The petitioner is acquitted of the offence punishable under Section 138 of the N.I.Act and his bail bonds, if any, stands cancelled;
- v) The respondent is granted liberty to file necessary application to renew this order, in the event the petitioner fails to make payments as stated in paras-5 and 6 of the application in IA.No.1/2026.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

LB
List No.: 1 Sl No.: 29